



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,926	11/18/2003	Hae Pyoung Lee	DPO-0010	3023
34610	7590	08/03/2007	EXAMINER	
KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			TANK, ANDREW L	
			ART UNIT	PAPER NUMBER
			2173	
			MAIL DATE	DELIVERY MODE
			08/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/714,926	LEE, HAE PYOUNG	
	Examiner	Art Unit	
	Andrew Tank	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 May 2007.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 19-23, 25-32, 34, 36-42, 44-46, 48-53, 55-57 and 59-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 19-23, 25-32, 34, 36-42, 44-46, 48-53, 55-57 and 59-78 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 November 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. This action is in response to the amendment of May 17, 2007. Claims 19-23, 25-32, 34, 36-42, 44-46, 48-53, 55-57 and 59-78 are pending and have been considered below. Claims 24, 33, 35, 43, 47, 54, and 58 are cancelled. Claims 66-78 are new.

Specification

2. The Applicant has amended the specification to overcome the examiner's Abstract and Specification objections of February 23, 2007. The examiner withdraws his previous specification objections.

Claim Rejections - 35 USC § 112

3. The Applicant has amended the claims to overcome the examiner's 35 U.S.C. 112 2nd rejections of February 23, 2007. The examiner withdraws his previous 35 U.S.C. 112 2nd rejections.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2173

5. Claims 19-23, 30-32, 34, 41-42, 44-46, 53, 55-57, and 64-78 are rejected under 35

U.S.C. 102(e) as being anticipated by Attar et al. (US 2004/0030596), herein known as "Attar".

- Claims 19, 30, 75-77: Attar discloses a method of controlling an avatar at a called party (page 1 [0007-0010]), the method comprising:
 - displaying the avatar at the called party (page 3 [0061] lines 17-18);
 - receiving a signal (page 1 [0006] "Each user (or group of users) has a computer connected to the communications network") for controlling the avatar (page 1 [0010] "an operator remotely controls the virtual object in real-time and animates it"), wherein the received signal is transmitted from a mobile phone to the called party (page 3 [0062] "The computer equipment can also be in the form of a mobile telephone 21"); and
 - controlling the displayed avatar in accordance with the received signal (page 3 [0061] lines 17-19).
- Claims 41, 53, and 78: Attar discloses a method of controlling an avatar displayed at a called party (page 1 [0007-0010], page 3 [0061] lines 17-18 "enabling computer 2 to process a virtual object 6 appearing on the display screen 2a of the computer 2") using a mobile phone (page 3 [0062] "The computer equipment can also be in the form of a mobile telephone 21"), the method comprising:
 - displaying the avatar on the mobile phone (page 4 [0065] lines 8-10);
 - generating a signal for controlling the avatar displayed at the called party and displayed on the mobile phone (page 3 [0061] lines 17-18); and

Art Unit: 2173

- transmitting the signal to the called party via a network (Fig. 1 “3”, page 3 [0061] line 7 “communications network 3”).
- Claims 64 and 65: **Attar** discloses a method of controlling an avatar (page 1 [0007-0010]), the method comprising:
 - generating signals to control the avatar at a mobile phone (page 3 [0061] lines 17-18);
 - transmitting the signals via a network (Fig. 1 “3”, page 3 [0061] line 7 “communications network 3”);
 - receiving the signals at a called party (page 3 [0061] lines 15-19); and
 - displaying the avatar in different representations (page 4 [0064] lines 8-10) at the called party based on the received signals (page 4 [0064] lines 4-7).
- Claims 20 and 31: **Attar** discloses the method as in claims 19 and 30 above, wherein the avatar is transmitted from the mobile phone over a network (Fig. 1 “3”, page 3 [0061] line 7 “communications network 3”).
- Claims 21, 32, 44, and 55: **Attar** discloses the method as in claims 19, 30, 41, and 53 above, wherein the called party comprises a computer (page 3 [0061] lines 2-3).
- Claims 22, 34, 45, and 56: **Attar** discloses the method as in claims 19, 30, 41 and 53 above, wherein the called party comprises a mobile phone (page 3 [0062]).
- Claim 23: **Attar** discloses the method as in claim 19 above, further comprising displaying the avatar on the mobile phone (page 4 [0065] lines 8-10) and controlling the displayed avatar equally at the mobile phone and the called party (page 4 [0065] lines 8-10).
- Claim 42: **Attar** discloses the method as in claim 41 above, further comprising changing a communication mode to a control mode (page 3-4 [0063] lines 21-26).

Art Unit: 2173

- Claims 46 and 57: **Attar** discloses the method as in claims 41 and 53 above, wherein the avatar is displayed in a similar manner at the mobile phone and at the called party (page 4 [0065] lines 8-10).
- Claim 66: **Attar** discloses the method of claim 65 above, further comprising displaying the avatar in different representatives at the mobile phone (page 4 [0064] lines 1-17, [0065] lines 8-11).
- Claim 67, 71, and 74: **Attar** discloses the method of claims 19, 30 and 41 above, wherein the received signal corresponds to a key input from the mobile phone (page 3 [0061] lines 4 and 23, [0062]).
- Claims 68 and 72: **Attar** discloses the method of claims 19 and 30 above, wherein controlling the displayed avatar includes controlling an expression of the displayed avatar (page 3 [0063] lines 11-13, page 4 [0064] lines 14-17).
- Claims 69 and 73: **Attar** discloses the method of claims 19 and 30 above, wherein controlling the displayed avatar includes controlling actions of the displayed avatar (page 4 [0064] lines 7-10).
- Claim 70: **Attar** discloses the method of claim 19 above, further comprising:
 - receiving another signal from the mobile phone (page 4 [0064]); and
 - controlling the displayed avatar based on the received another signal (page 4 [0065] lines 13-14).

Art Unit: 2173

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25-28, 36-39, 48-51, and 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Attar et al. (US 2004/0030596), herein known as "Attar", in view of Lloyd et al. (US 6,884,172), herein known as "Lloyd".

- Claims 25, 36, 48, and 59: Attar discloses the method as in claims 19, 30, 41, and 53 above, showing the relationship of a user and operator as portrayed through the use of a virtual avatar (page 1 [0007]-[0010]). In particular, Attar also shows that the system involves "at least one virtual object" (page 1 [0006]). However, Attar does not specifically disclose the signal comprising an identifier number for identifying the avatar being controlled. Lloyd discloses a persistent game world (Abstract) maintaining virtual avatars for individual players (col 9 lines 55-64). As with Attar, the avatars help players using mobile devices (col 3 lines 13-19) interact with the persistent world (col 11 lines 20-30). Lloyd discloses multiple players requiring multiple avatars, thereby requiring a player's identity (col 11 lines 34-35) to be defined through username and passwords (col 11 lines 38-56) or session id's (col 11 lines 63-67, col 12 lines 1-24). Therefore, it would have been obvious to one having ordinary skill in the art, having the teachings of Attar and Lloyd before them at the time the present invention was made, to modify the user and operator method of interaction using a virtual object taught by Attar to include the username/password authentication or session-

Art Unit: 2173

id's method of Lloyd, in order to obtain virtual avatars that are identifiable either by a username/password combination or by a session-id of an encoded random value. One would have been motivated to make such a combination in order to provide well-defined boundaries for virtual avatar objects (col 11 lines 31-36), as taught by Lloyd, and therefore provide well-defined boundaries between users in a multi-operator environment (page 4 [0067]), as suggested by Attar.

- Claims 26, 37, 49, and 60: Attar and Lloyd disclose the method as in claims 25, 36, 48, and 59 above, showing the relationship of a user and operator as portrayed through the use of a virtual avatar that requires a user authentication or session-id to identify the avatar. Lloyd further discloses that session-id's are strongly random values that are selected, mapped to an object and encoded, i.e. a key or a cipher (col 12 lines 1-16). Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Attar and Lloyd before them at the time the invention was made, to modify the method taught by Attar and Lloyd to use session-id's instead of session-id's or username/password combinations, in order to obtain virtual objects that are identified using ciphers. One would have been motivated to make such a combination because, in the short term, there may be a need for a more secure and efficient means of identifying the user and virtual object (col 11 lines 63-67).
- Claims 27-28, 38-39, 50-51, and 61-62: Attar discloses the method as in claims 19, 30, 41, and 53 above, showing the relationship of a user and operator as portrayed through the use of a virtual avatar (page 1 [0007]-[0010]). Attar discloses this interactive method communication information to users of a communication network (page 1 [0006]), each user having a computer or mobile phone connected to the network (page 3 [0062]). Attar does

Art Unit: 2173

not specifically disclose whether or not the communication network is wired or wireless.

Lloyd discloses a persistent game world (Abstract) maintaining virtual avatars for individual players (col 9 lines 55-64). As with **Attar**, the avatars help players using mobile devices (col 3 lines 13-19) interact with the persistent world (col 11 lines 20-30). **Lloyd** further discloses that the communication network, such as the Internet or an intranet, can be wired or wireless (col 1 lines 51-52). Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of **Attar and Lloyd** before them at the time the invention was made, to modify the user and operator method of interaction using a virtual object and communicated through a network as taught by **Attar** to expand to include both wired and wireless networks as taught by **Lloyd**. One would have been motivated to make such a combination in order to appeal to more users, as **Lloyd** teaches that electronic games can be played over wired and wireless connections (col 1 lines 11-13).

8. Claims 29, 40, 50, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Attar et al.** (US 2004/0030596), herein known as "**Attar**", in view of **Lloyd et al.** (US 6,884,172), herein known as "**Lloyd**", as applied to claims 28, 39, 51, and 62 above, and in further view of **Rosener et al.** (US 2002/0028655), herein known as "**Rosener**".

- Claims 29, 40, 52, and 63: **Attar and Lloyd** disclose the operator driven virtual avatar method to display a controllable virtual avatar to a user by using mobile phones on a wireless network as in claims 28, 39, 51, and 62 above. **Attar and Lloyd** do not disclose that the wireless network comprises at least one of IrDA, Bluetooth, wireless LAN, RS-232, and USB. **Rosener** discloses a wireless communications system that is programmable and controllable in a manner that enables multi-user operation (Abstract lines 1-3). **Rosener**

Art Unit: 2173

further discloses that prospective cellular and non-cellular data can be transmitted using links. These links may be USB, RS-232, wireless LAN, IrDA, Bluetooth or HomeRF (page 6 [0069]). Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Attar, Lloyd, and Rosener at the time the present invention was made, to modify the virtual avatar method as taught by Attar and Lloyd to include the wireless network system of Rosener to obtain a wireless network that includes IrDA, Bluetooth, wireless LAN, RS-232, and USB. One would have been motivated to make such a combination because one would want to comply with existing link designs (page 6 [0069]) and protocols (page 6 [0067]), as suggested by Rosener.

Response to Arguments

9. Applicant's arguments with respect to independent claims 19, 30, 41, 53, 64, 65, and 75-78 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2173

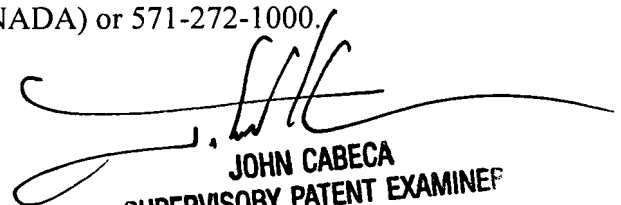
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Tank whose telephone number is 571-270-1692. The examiner can normally be reached on Mon - Fri (Alt. Fri Off) 0730-1500 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALT
July 23, 2007


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100